

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LORI ANNE GARMANY,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

Case No. 22-cv-05002-SVK

**ORDER TO SHOW CAUSE RE
DISMISSAL**

Plaintiff filed this action on September 1, 2022. Dkt. 1. All Parties have consented to the jurisdiction of a magistrate judge. Dkt. 3, 10.

On December 8, 2022, the Court issued an order that noted that Plaintiff had checked the incorrect “Nature of Suit” code on the Civil Cover Sheet filed with the Complaint. Dkt. 9. That order vacated the initial case management conference and ordered Plaintiff to promptly file an amended cover sheet with the correct Nature of Suit code. *Id.*

The docket reflects that service was completed in January 2023. Dkt. 11, 12. As of June 30, 2023, there had been no further activity in this case, and accordingly the Court ordered the Parties to file a status report no later than July 17, 2023. Dkt. 14. On the same day, June 30, 2023, Defendant filed the certified administrative record (“CAR”) and the answer to the complaint. Dkt. 15, 16. On July 17, 2023, Defendant filed a status report that pointed out that Plaintiff had not yet filed the amended cover sheet required under the Court’s December 8, 2022 order. Dkt. 17. Defendant also indicated that its counsel had communicated with Plaintiff by telephone on July 14, 2023 to confirm her receipt of the CAR and answer and to remind her of the Court’s order that she file an amended civil cover sheet. *Id.*

On July 18, 2023, the Court issued a scheduling order which set a deadline of August 18, 2023 for Plaintiff to file a motion for summary judgment and amended civil cover sheet. Dkt. 18.

1 The scheduling order also set a briefing schedule for Defendant's opposition/counter-motion and
2 Plaintiff's optional reply. *Id.*

3 As of the date of this order, the August 18, 2023 deadline has passed but Plaintiff has not
4 filed her motion for summary judgment or the amended civil cover sheet. Accordingly, the Court
5 **ORDERS** that by **October 3, 2023**, Plaintiff must file either (1) the amended civil cover sheet and
6 Plaintiff's motion for summary judgment or (2) a written response to this order to show cause.
7 The Court also **ORDERS** Plaintiff to appear by Zoom on **October 10, 2023 at 10:00 a.m.** and
8 show cause why this case should not be dismissed for failure to prosecute. Failure to respond and
9 appear as ordered will result in dismissal of this case without prejudice. The deadlines for
10 Defendant's opposition/counter-motion and Plaintiff's optional reply as set forth in the scheduling
11 order (Dkt. 18) are **SUSPENDED** and will be reset if Plaintiff files her summary judgment
12 motion.

13 The Court again reminds Plaintiff that she may wish to contact the Federal Pro Se
14 Program, a free program that offers limited legal services and advice to parties who are
15 representing themselves. Help is provided by appointment and on a drop-in basis. Parties may
16 make appointments by contacting the program's staff attorney, Mr. Haohao Song, at 408-297-
17 1480 or hsong@asianlawalliance.org. Additional information regarding the Federal Pro Se
18 Program is available at: [https://cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-](https://cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/)
19 [the-san-jose-courthouse/](https://cand.uscourts.gov/pro-se-litigants/the-federal-pro-se-program-at-the-san-jose-courthouse/)

20 **SO ORDERED.**

21 Dated: August 29, 2023

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24 SUSAN VAN KEULEN
25 United States Magistrate Judge
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